

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case Nos. 3:13-cr-00007-MMD-CLB

Plaintiff,

ORDER

v.

DESMOND QUINNTRAIL HAYES,

Defendant.

Defendant Desmond Quinntrail Hayes was sentenced to a total of 240 months in custody on two counts of conviction involving interference with commerce by armed robbery and one count of conviction involving use of a firearm during and in relation to a crime of violence. (ECF No. 59.) Before the Court is Hayes' *pro se* letter, which the Court construes as a motion for a sentence reduction under 18 U.S.C. § 3582(c), asking if he is eligible for a retroactive sentencing reduction under United States Sentencing Commission Guideline Amendment 821 ("Amendment 821"). (ECF No. 100 ("Motion").) The Federal Public Defender for the District of Nevada ("FPD") filed a Notice of Non-Eligibility ("Notice") under the Court's Second Amended General Order 2023-09 ("GO 2023-09").¹ (ECF No. 105.) The Notice indicates that Hayes is not eligible for a sentencing reduction (1) under Part A of Amendment 821 because did not receive any "status" criminal history points at the time of sentencing, or (2) under Part B of Amendment 821 because he had criminal history points at the time of sentencing. (*Id.*) After a review of the records, including the Presentence Investigation Report, the Court agrees with the

¹GO 2023-09 presumptively appoints the FPD to represent any defendant who qualifies for appointment of counsel to determine whether that defendant qualifies for retroactive relief under Amendment 821. The General Order establishes a process for the FPD to review a *pro se* motion for sentencing reduction, including informing the Court and the defendant whether the defendant is eligible for a sentencing reduction.

1 FPD's representation in the Notice and finds that Hayes is not eligible for a sentencing
2 reduction. Accordingly, the Court denies the Motion.

3 The Court therefore denies Hayes' motion for a sentence reduction (ECF No. 100).

4 DATED THIS 4th Day of December 2024.

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7 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE
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